

FREQUENTLY ASKED QUESTIONS ABOUT MEDIATION



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FREQUENTLY ASKED QUESTIONS ABOUT MEDIATION

How Do I Find a Mediator?

The Rural Law Center of New York administers a three-county mediation program in the North Country region of New York State. This program (North Country Conflict Resolution Services) is part of the statewide network of Community Dispute Resolution Centers funded by the New York State Unified Court System. Every New York County is served by one of these community centers. Through these centers, mediation is available for no or low cost in certain areas of dispute. In most parts of the state you may also find private practitioners.

Who are the Mediators?

Mediators at North Country Conflict Resolution Services (NCCRS) are either staff or volunteers who have satisfied the training requirements set by the NYS Unified Court System to achieve certification. These certified mediators are members of their communities and come from a variety of backgrounds. All have a strong commitment to community service. Many NCCRS mediators have completed advanced trainings that qualify them to mediate in specialized areas, such as Special Education or Custody & Visitation.

Where Will a Mediation Take Place?

NCCRS has offices in each of the three counties in our program. Most mediations will take place at the NCCRS offices in a private conference room. Some mediations are held on-site in local courts or, in the case of large group disputes, in other community locations.

Who Gets to Speak at the Mediation?

All parties in a mediation will have equal opportunity to state their view of the situation or problem. They will take turns explaining their understanding of the problem. The mediator facilitates and clarifies to ensure that the parties have understood clearly as they work to seek possible solutions.

Is Mediation Confidential?

The mediation process offers both confidentiality and privacy. The mediator will keep confidential everything he or she hears and will ask the parties to do the same. Any notes taken by the mediator or the parties are destroyed at the conclusion of the session. The only thing a mediator keeps is a copy of the final agreement if the parties reach one. If the issue between the parties is to be part of a future court proceeding, the agreement will be provided to the court. There may be certain exceptions to confidentiality, such as accusations of child abuse. Your mediator will make any such exceptions clear at the start.

Who Decides What Solution is Best?

With the help of the mediator, the parties try to arrive at a solution that is agreeable to everyone. The mediator may help the parties think about the possible advantages and disadvantages of any proposed solutions. However, the mediator will not make any decision or voice any opinion about which solution is best.

Will the Mediator Answer My Legal Questions?

The mediator will not answer legal questions and will not give legal advice.

Will the Mediator Make a Decision?

The mediator is not an arbitrator or a judge and cannot make a decision for either party. The mediator only helps disputants work toward their own resolution.

Will the Agreement be put in Writing?

The mediator will put any agreement, if reached, in writing for both parties. Do not sign any agreement if you are not completely satisfied with the terms or if you don't think you will be able to live up to it.

How Do I Enforce My Agreement After Mediation?

If you reach an agreement and the other party doesn't live up to it, you should first contact the party and ask them to comply. If there are further problems, you might try to return to mediation. Otherwise, you may choose to use outside resources, such as seeking remedy in the courts.